

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

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BRIAN LEE PATRICK

Index No.

Plaintiff,

-against-

COMPLAINT

THE UNITED STATES OF AMERICA

Defendant.

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Plaintiff, BRIAN LEE PATRICK complaining of the defendant, THE UNITED STATES OF AMERICA, by his attorneys, FRANZBLAU DRATCH, P.C. respectfully alleges upon information and belief as follows:

1. At the time of the commencement of this action, plaintiff is and was a resident of the Pennsylvania.

2. This cause of action arises from medical negligence that occurred from March of 2014 to on or about July 14, 2014 while plaintiff was confined to the Bureau of Prisons.

3. This action is brought pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b) and 28 U.S.C. § 2671, *et. seq.* and 39 U.S.C. § 409.

4. That on or about August 27, 2014 , plaintiff caused an administrative claim to be filed with the United States Bureau of Prisons.

5. That defendant denied plaintiff's claim by two letters dated in January and February of 2015

6. That this action is being commenced within six (6) months of receiving the denial of plaintiff's administrative claim

7. That at all times hereinafter mentioned, defendant was to provide medical care to the plaintiff as a prisoner under the care and custody of the defendant.

8. In or about March of 2014, plaintiff had an issue of numbness in his stomach and a problem having a bowel movement. Plaintiff was provided with Doxazosin for a benign prostate.

9. Shortly thereafter, plaintiff was transferred to Oklahoma Transfer Center where plaintiff complained of numbness in his stomach to which plaintiff was provided with Milk of Magnesia.

10. On April 7, 2014, plaintiff arrived at USP Cannan and on April 10, 2014, plaintiff was placed in a special housing unit.

11. Plaintiff began to request sick call due to problems urinating and having bowel movements to which plaintiff received Neurontin and Insulin.

12. Plaintiff was eventually given an X-ray for his stomach which came back negative.

13. Plaintiff began to turn in sick call slips every day due to the worsening of his medical condition which consisted in numbness to his lower extremities, difficulty urinating and having bowel movements, along with severe pain.

14. In the month of May, plaintiff's condition continued to deteriorate, including severe pain, severe numbness, inability to walk. However, plaintiff receives no medical treatment regarding plaintiff's complaints other than prescription medication for a benign prostate.

15. In the month of June 2014, plaintiff is diagnosed with a torn tendon in his leg and prescribed prednisone.

16. Plaintiff continues to complain of severe pain and numbness and an

inability to walk. Plaintiff is promised an X-ray from approximately June 10 to June 16, however, plaintiff never receives same.

17. On or about June 17, 2014, an MRI discovered herniated discs compressing plaintiff's spinal and plaintiff was transferred to a hospital for surgery to plaintiff's spinal cord.

18. However, due to the negligence on the part of the defendant in failing to properly diagnose and treat plaintiff's spinal cord condition, the surgery was too late and plaintiff is left in a permanently paralyzed state.

19. That no negligence on the part of plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

20. That as a result of the aforementioned the plaintiff sustained severe injuries of a permanent nature preventing the plaintiff from performing his normal activities of life and business resulting in great pain to his mind and body, loss of enjoyment of life and resulting in his incurring substantial expenses for medical care, hospitalization, loss of earning capacity and other expenses occasioned by injuries and disability sustained by him as a result of the aforementioned, together with the costs and disbursements to abide the event.

WHEREFORE, plaintiff demands judgment against the defendant for the following relief:

- (A) Damages;
- (B) Costs;
- (C) Interest;
- (D) for such other relief as the Court deems just and proper

DATED: June 24, 2015

FRANZBLAU DRATCH, P.C.

/s/ Brian M. Dratch

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The Honorable Loretta Lynch
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